



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Group Art Unit 3624

AF/3624
#15
Pw
1/28/04

In re

Patent Application of

James Tuchler, et. al.

Application No. 09/713,868

Confirmation No. 4785

Filed: November 16, 2000

Examiner: Jagdish Patel

"METHODS AND APPARATUS FOR
ALLOWING INTERNET BASED PURCHASES
BASED ON TEMPORARY CREDIT CARD
NUMBER"

I, Jo Swanson, hereby certify that this correspondence is being deposited with the US Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date of my signature.

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APPEAL BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants have appealed from the final rejection of Claims 1-27 in the Office action dated August 4, 2003. This Appeal Brief is submitted in triplicate in support thereof. A check for \$330.00 in payment of the fee for this Appeal Brief is submitted herewith. Applicant's attorney timely filed a Notice of Appeal on November 4, 2003. Charge or credit Deposit Account No. 13-3080 with any shortage or overpayment of the fees associated with this Appeal Brief.

REAL PARTY IN INTEREST

The real party in interest is Sears, Roebuck and Co., 3333 Beverly Road, Hoffman Estates, Illinois 60179.

RELATED APPEALS AND INTERFERENCES

There are no appeals or interference proceedings in process that would directly affect or be directly affected by the Board's decision.

STATUS OF CLAIMS

Claims 1-27 are pending. Claims 1-27 stand finally rejected and appealed.

STATUS OF AMENDMENTS

Applicants have not made any amendments after final rejection.

SUMMARY OF THE INVENTION

In general, the system described herein allows a user to apply for a credit card on-line. If an electronic application is approved, a temporary credit card number is issued on-line for immediate use. The temporary credit card number may be used to purchase goods and/or services on-line until one of a plurality of deactivation conditions is detected. Deactivation conditions may include time limits expiring, the reception of certain messages from a client device, and/or purchasing limits being exceeded. If a deactivation condition occurs, the temporary credit card number is deactivated. Purchase requests associated with a particular temporary credit card number are approved or denied based on the current activation status of the temporary credit card number and/or the purchasing history associated with the temporary credit card number.

A high level block diagram of an exemplary communications system 100 capable of employing the teachings of the present invention is illustrated in FIG. 1. Typically, the system 100 includes one or more client devices 102, one or more retail website servers 104, and optionally one or more credit information servers 106. Each of these devices may communicate with each other via a connection to the Internet or some other wide area network 108.

Typically, retail website servers 104 store a plurality of files, programs, and/or web pages for use by the client devices 102. One retail website server 104 may handle requests from a large number of clients 102. Similarly, a credit information server 106 may handle a large number of requests from a retail website server 104. Accordingly, each server 104, 106 is typically a high end computer with a large storage capacity, one or more fast microprocessors, and one or more high speed network connections. Conversely, relative to a

typical server 104, 106, each client device 102 typically includes less storage capacity, a single microprocessor, and a single network connection.

A more detailed block diagram of a client device 102 is illustrated in FIG. 2. The client 102 includes a controller 202 which preferably includes a central processing unit 204 electrically coupled by an address/data bus 206 to a memory device 208 and an interface circuit 210. The CPU 204 may be any type of well known CPU, such as an Intel Pentium™ processor. The memory device 208 preferably includes volatile memory and non-volatile memory. Preferably, the memory device 208 stores a software program that interacts with the retail website server 104 as described below. This program may be executed by the CPU 204 in a well known manner. The memory device 208 may also store digital data indicative of documents, files, programs, web pages, etc. retrieved from a server 104, 106 and/or loaded via an input device 212.

The interface circuit 210 may be implemented using any type of well known interface standard, such as an Ethernet interface and/or a Universal Serial Bus (USB) interface. One or more input devices 212 may be connected to the interface circuit 210 for entering data and commands into the controller 202. For example, the input device 212 may be a keyboard, mouse, touch screen, track pad, track ball, isopoint, and/or a voice recognition system. One or more displays, printers, and/or other output devices 214 may also be connected to the controller 202 via the interface circuit 210. The display 214 may be a cathode ray tube (CRT), liquid crystal display (LCD), or any other type of display. The display 214 generates visual representations or images of data generated during operation of the client 102. The display 214 is typically used to display web pages received from the retail website server 104. The visual images may include prompts for human operator input, run time statistics, calculated values, detected data, etc.

The client 102 may also exchange data with other devices via a connection to the network 108. The network connection may be any type of network connection, such as an Ethernet connection, digital subscriber line (DSL), telephone line, coaxial cable, etc. Users of the system 100 may be required to register with a retail website server 104. In such an instance, each user may choose a user identifier and a password which may be required for the activation of services. The user identifier and password may be passed across the Internet using encryption built into the user's browser. Alternatively, the user identifier and/or password may be assigned by the retail website server 104.

A more detailed block diagram of a retail website server 104 is illustrated in FIG. 3. Like the client device 102, the controller 302 in the server 104 preferably includes a central

processing unit 304 electrically coupled by an address/data bus 306 to a memory device 308 and a network interface circuit 310. However, the server controller 302 is typically more powerful than the client controller 202. Again, the CPU 304 may be any type of well known CPU, such as an Intel Pentium™ processor, and the memory device 308 preferably includes volatile memory and non-volatile memory. Preferably, the memory device 308 stores a software program that implements all or part of the method described below. This program may be executed by the CPU 304 in a well known manner. However, some of the steps described in the method below may be performed manually or without the use of the server 104. The memory device 308 and/or a separate database 314 also store files, programs, web pages, etc. for use by the client devices 102.

The server 104 may exchange data with other devices via a connection to the network 108. The network interface circuit 310 may be implemented using any data transceiver, such as an Ethernet transceiver.

The network 108 may be any type of network, such as a local area network (LAN) and/or the Internet.

A more detailed block diagram of another embodiment of the retail website server 104 is illustrated in FIG. 4. In this embodiment, the retail website server 104 includes a plurality of interconnected modules 402 - 416. Each of the modules may be implemented by a microprocessor executing software instructions and/or conventional electronic circuitry. In addition, a person of ordinary skill in the art will readily appreciate that certain modules may be combined or divided according to customary design constraints.

For the purpose of receiving web page requests, purchase requests, credit application data, credit verification information, and other data, the retail website server 104 includes a network receiver 402. The network receiver 402 is operatively coupled to the network 108 in a well know manner. For example, the network receiver 402 may be an Ethernet interface circuit electrically coupled to the Internet via an Ethernet cable.

For the purpose of transmitting web pages, credit card application data, credit verification requests, credit card numbers, and other data, the retail website server 104 includes a network transmitter 404. The network transmitter 404 is operatively coupled to the network 108 in a well know manner. For example, the network transmitter 404 may also be an Ethernet interface circuit electrically coupled to the Internet via an Ethernet cable. For the purpose of determining if a particular user should be awarded a temporary credit card number and/or a conventional credit card, the retail website server 104 includes a verification module 406 and a verification database 408. Preferably, this determination is based on

applicant data, such as name, address, etc. received by the network receiver 402.

Accordingly, the verification module 406 is operatively coupled to the network receiver 402, and the verification database 408 is in communication with the verification module 406. In operation, the verification module 406 queries the verification database 408 to determine if the applicant data received by the receiver 402 is valid and if the user associated with the applicant data is a credit risk. Alternatively, the verification module 406 may query the credit information server 106 via the network 108 to determine if the applicant data is valid and if the user associated with the applicant data is a credit risk.

For the purpose of determining a temporary credit card number, the retail website server 104 includes a temporary account module 410 and a temporary account database 412. Preferably, the temporary account database 412 contains a list of active temporary credit card numbers and inactive temporary credit card numbers. Each active number is typically associated with selected applicant data. In addition, the temporary account database 412 may contain traditional credit card information logically associated with the temporary credit card information. For example, in order to affect an account transfer, the temporary account module 410 may associate an outstanding balance incurred using a temporary credit card number with a traditional credit card number.

Preferably, the temporary account module 410 is in communication with the verification module 406 and the temporary account database 412. If the verification module 406 approves the user for credit, the temporary account module 410 queries the temporary account database 412 to determine a temporary credit card number. The temporary credit card number is preferably a unique number among a plurality of currently active temporary credit card numbers.

For the purpose of approving and rejecting user purchase requests, the retail website server 104 includes a purchase approval module 414. When a purchase request which includes a temporary credit card number is received by the receiver 402, the purchase approval module 414 checks with the temporary account module 410 to determine if the temporary credit card number is active. If the purchase approval module 414 approves the purchase request, a message is preferably sent to a traditional order fulfillment system (not shown).

For the purpose of deactivating temporary credit card numbers, the retail website server 104 includes a deactivation module 416. The deactivation module 416 accesses the temporary account database 412 to change the status of a temporary credit card number from active to inactive if one or more conditions occur. For example, the deactivation module 416

may expire a temporary credit card number in response to a predetermined time period elapsing. The time period may be a fixed time period, such as forty-five minutes from issuing the temporary credit card number, or the time period may be a dynamic time period, such as forty-five minutes of user inactivity. User inactivity may be determined at the client device 102, or user inactivity may be based on a lack of network messages at the retail website server 104.

In addition, the deactivation module 416 may deactivate a temporary credit card number in response to receiving a request for a predetermined web page from the client device 102. For example, if a user leaves the website associated with the retail website server 104 and then returns to the website by requesting the site's "home page," the deactivation module 416 may be configured to deactivate the temporary credit card number associated with that user. Still further, the deactivation module 416 may deactivate a temporary credit card number in response to receiving a message indicative of a browser shut down from the client device 102 or in response to the client device 102 failing to respond to a communication request from the retail server 104.

Yet further, the deactivation module 416 may deactivate a temporary credit card number in response to (i) a predetermined number of purchase transactions being made using the temporary credit card number, (ii) a predetermined dollar amount of purchases being made using the temporary credit card number, and/or (iii) a predetermined number of items being purchased using the temporary credit card number. Deactivated credit card numbers may be reactivated. For example, if a customer who has not spent above a certain dollar threshold returns to the retail web site 104 within a certain time period, the retailer may allow further purchases to be made using the temporary credit card number.

A more detailed block diagram of a credit information server 106 is illustrated in FIG. 5. Like the retail website server 104, the controller 502 in the credit information server 106 preferably includes a central processing unit 504 electrically coupled by an address/data bus 506 to a memory device 508 and a network interface circuit 510. Again, the CPU 504 may be any type of well known CPU, such as an Intel Pentium™ processor, and the memory device 508 preferably includes volatile memory and non-volatile memory. Preferably, the memory device 508 stores a software program that may implement all or part of the method described below. This program may be executed by the CPU 504 in a well known manner. However, some of the steps described in the method below may be performed manually or without the use of the server 106. The memory device 508 and/or a separate database 514 also store credit information which may be used by the retail website server 104. The credit

information server 106 may exchange data with other devices, such as the retail website server 104, via a connection to the network 108. The network interface circuit 510 may be implemented using any data transceiver, such as an Ethernet transceiver.

A flowchart of a process 600 for establishing and maintaining a temporary credit card number is illustrated in FIG. 6. Preferably, the process 600 is embodied in a software program which is stored in the retail website server memory 308 and executed by the server CPU 304 in a well known manner. However, some or all of the steps of the process 600 may be performed manually and/or by another device. Although the process 600 is described with reference to the flowchart illustrated in FIG. 6, a person of ordinary skill in the art will readily appreciate that many other methods of performing the acts associated with process 600 may be used. For example, the order of many of the steps may be changed without departing from the scope or spirit of the present invention.

Generally, the process 600 allows a user to apply for a credit card on-line. If the application is approved, a temporary credit card number is issued on-line for immediate use. The temporary credit card number may be used to purchase goods and services on-line until one of a plurality of deactivation conditions is detected.

The process 600 begins when a request for an on-line credit card application is received (step 602). Preferably, the credit card application request is a web page request received at the retail website server 104. See FIG. 9 for a screen-shot of an exemplary web page inviting a user to apply for a credit card on-line. Subsequently, the process 600 transmits a “blank” application form to the requesting client device 102 (step 604). The “blank” application form is preferably a web page with field labels and data entry boxes. See FIGS. 10-15 for a series of screen-shots of an exemplary web page providing an electronic credit card application. If the retail website server 104 is aware of certain data associated with the requesting user (e.g., cookie data and/or data previously stored in the database 314), the “blank” application form may arrive at the client device 102 with certain fields pre-filled. Preferably, the user fills out the application form and transmits the data back to the retail website server 104 (step 606).

The process 600 then checks the received applicant data against the verification database 408 and/or the credit information database 514 to determine if the user is approved for credit in a well known manner (step 608). If the applicant is not approved, the process 600 exits. If the applicant is approved, the process 600 determines a temporary credit card number (step 610). The temporary credit card number is preferably a unique number among a plurality of currently active temporary credit card numbers. In one embodiment, the

temporary credit card is randomly selected from a large number of previously unused temporary credit card numbers. For example, if the temporary credit card is a sixteen digit number, a random sixteen digit number may be generated in a well known manner. Preferably, the new number is checked for validity before activation (e.g., if the generated number has been used in the past, a new number is generated, etc.)

Once a temporary credit card number is determined, the number is stored with the application data (step 612). Preferably, the temporary credit card number and the application data are stored in the temporary account database 412. However, the temporary credit card number and/or the application data may be stored in the client memory 208, retail website server memory 104, and/or the retail website server database 314. The process 600 then waits for one or more deactivation conditions to occur (step 614) and deactivates the temporary credit card number when such a condition is detected (step 616).

A more detailed flowchart of an exemplary deactivation process 614 is illustrated in FIG. 7. Preferably, the process 614 is embodied in a software program which is stored in the retail website server memory 308 and executed by the server CPU 304 in a well known manner. However, some or all of the steps of the process 614 may be performed manually and/or by another device. Although the process 614 is described with reference to the flowchart illustrated in FIG. 7, a person of ordinary skill in the art will readily appreciate that many other methods of performing the acts associated with process 614 may be used. For example, the order of many of the steps may be changed without departing from the scope or spirit of the present invention. In addition, many of the steps described are optional. Generally, the process 614 loops through a series of checks to determine if the temporary credit card number should be deactivated. Conditions may include time limits expiring, the reception of certain messages from the client device 102 associated with the temporary credit card number, and/or purchasing limits being exceeded. If one or more of the conditions are found, the process 600 deactivates the temporary credit card number (step 616).

The process 614 begins by checking certain timers, such as a timer associated with user activity (step 702). For example, if the retail website server 104 does not receive a web page request from the client device 102 for forty-five minutes, the temporary credit card number may be deactivated (step 616). In addition, an overall time period may be checked (step 704). For example, the temporary credit card number may only be usable for one day. The process 614 may also check for certain messages. For example, if the user shuts down his browser, the process 614 may detect a message indicative of the shutdown (step 706) and deactivate the temporary credit card number in response (step 616). Similarly, the process

614 may look for an “exit” or “log off” message when the user leaves the retail website (step 708). In addition, the process 614 may look for a “top page” request message if the user returns to the retail website (step 710).

In some circumstances, the client device 102 may not automatically send one of these termination messages. In such an instance, the process 614 may “ping” the client 102 by transmitting a message to the client 102 requesting a response (step 712). If the client 102 fails to respond within a certain time limit (step 714), the process 600 may deactivate the temporary credit card number (step 616).

The process 614 may also check if certain purchasing limits have been exceeded. For example, a credit limit may be checked (e.g., \$500) (step 716). Similarly, a transaction limit (step 718) and/or an item limit (step 720) may be checked. For example, the temporary credit card number may only be used for five purchases (regardless of the number of items included in each purchase). Similarly, use of the temporary credit card number may be limited to e.g. ten items (regardless of how many purchase transactions occur).

A flowchart of an exemplary process 800 for authorizing an on-line purchase request associated with the temporary credit card number is illustrated in FIG. 8. Preferably, the process 800 is embodied in a software program which is stored in the retail website server memory 308 and executed by the server CPU 304 in a well known manner. However, some or all of the steps of the process 614 may be performed manually and/or by another device. Although the process 800 is described with reference to the flowchart illustrated in FIG. 8, a person of ordinary skill in the art will readily appreciate that many other methods of performing the acts associated with process 800 may be used. For example, the order of many of the steps may be changed without departing from the scope or spirit of the present invention. In addition, many of the steps described are optional. Generally, the process 800 approves or denies a purchase request associated with a particular temporary credit card number based on the current status of the temporary credit card number and/or the purchasing history associated with the temporary credit card number.

The process 800 begins by receiving a purchase request from a client device 102 (step 802). The purchase request may include a temporary credit card number, or the purchase request may be associated with a temporary credit card number by some other identifier. A screen-shot of an exemplary web page inviting a user to pay for goods on-line using the temporary credit card number (or inviting the user to apply for a credit card on-line) is illustrated in FIG. 16. If the purchase request includes and/or is associated with a temporary credit card number, the process 800 determines if the temporary credit card number is active

(step 804). Preferably, the process 800 determines if the temporary credit card number is active by checking an associated status in the temporary account database 412 (or any other memory device). If the temporary credit card number is active, the process 800 may determine if the current pending transaction associated with the purchase request will exceed any purchasing limits by one or more predefined margins (step 806). If the temporary credit card number is active and no purchasing limits would be exceeded, the process 800 preferably approves the transaction (step 808). However, if the temporary credit card number is not active or a purchasing limit would be exceeded, the process 800 preferably denies the transaction (step 810).

STATEMENT OF THE ISSUES

1. Whether Claims 1-27 are unpatentable under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication No. 2003/0028481 (“Flitcroft”) and further in view of U.S. Publication No. 2001/0011246 (“Tammaro”)?

GROUPING OF THE CLAIMS

The rejected claims do not stand or fall together, and the following groups are separately patentable:

Group I:	Claims 1-2 and 8-12;
Group II:	Claim 3;
Group III:	Claims 4-5;
Group IV:	Claim 6;
Group V:	Claim 7;
Group VI:	Claims 13-14 and 20-23;
Group VII:	Claim 15;
Group VIII:	Claim 16;
Group IX:	Claim 17;
Group X:	Claim 18;
Group XI:	Claim 19;
Group XII:	Claims 24-26; and
Group XIII:	Claim 27.

THE REFERENCES

U.S. Patent Application Publication No. 2003/0028481("Flitcroft")

Flitcroft discloses a credit card system that provides a master credit card holder with disposable credit card numbers so that the master credit card number does not have to be revealed to the merchant when purchases are made. The disposable credit card numbers reduce credit card fraud. The disposable credit card numbers can include single use credit card numbers for remote transactions, multiple use credit card numbers for remote transactions, single use credit cards for remote and card present transactions, and multiple use credit cards for remote and card present transactions. Paragraph 53.

A master credit card number is the credit card number that is allocated by the credit card provider to the customer for his or her account for multiple uses for a renewable period and a credit limit. Paragraph 43. A master account number would have been assigned to a customer at a previous point in time. Paragraph 74.

The system 100 includes a central processing station 102, which receives and processes remotely generated credit card transactions via a network. Paragraph 69. The credit card transactions can originate from a merchant by swiping a credit card through a card swipe unit 106. *Id.* The credit card transactions can also originate from a remote electronic device 104 via the Internet 112. *Id.* The central processing station 102 includes a central processing unit 120, which has access to database 124 and database 122. Paragraph 70. The database 124 is a list of credit card number. *Id.* The database 122 is a "conditions" database, which stores information regarding customers' accounts and can store the mapping between a customer's fixed master credit card number and any outstanding associated limited use credit cards. *Id.*

The system 100 operates to allocate one or more limited use numbers to a customer. Paragraph 74. The system 100 determines if a customer requests or an event triggers a request for additional limited use cards or card numbers. Paragraph 75. The system 100 then determines whether a transaction has occurred using a previously issued limited use card and whether the limited use number should be deactivated based on a stored threshold limit. Paragraph 76.

Flitcroft does not teach or suggest, among other things, a method for allowing a customer at an Internet client device to make Internet based purchases using a temporary credit card number including the acts of receiving a message indicative of a request to apply for a credit account at an Internet server from the Internet client device via the Internet, transmitting data indicative of an electronic credit account application from the Internet

server to the Internet client device via the Internet, receiving the credit account application at the Internet server from the client device via the Internet, the credit account application including applicant data, storing the applicant data in a computer readable memory, verifying the applicant data against a verification database, and if the applicant data is verified, opening the credit account and issuing a temporary credit card number associated with the credit account, the temporary credit card number being unique among a plurality of currently active temporary credit card numbers stored in a temporary account database. Rather, Flitcroft discloses a system that allocates and distributes disposable credit card numbers that have been linked to a pre-existing master credit card number. The system deactivates the disposable credit card numbers when a threshold limit has been satisfied. However, Flitcroft does not teach or suggest applying for, verifying data, opening a credit account and/or issuing a temporary credit card number for immediate use, all done over the Internet.

Also, Flitcroft does not teach or suggest, among other things, an apparatus for allowing a customer at an Internet client device to make Internet based purchases using a temporary credit card number including a memory device that stores a software program capable of being executed by the microprocessor, wherein the software program is structured to cause the microprocessor to receive a message indicative of a request to apply for a credit account from the network receiver, transmit data indicative of an electronic credit account application to the network transmitter, receive the application from the network receiver, the application including applicant data, verify the applicant data against a verification database, and if the applicant data is verified, open the credit account and issue a temporary credit card number that is unique among a plurality of currently active temporary credit card numbers. Rather, Flitcroft discloses a system that allocates and distributes disposable credit card numbers that have been linked to a master credit card number. The system deactivates the disposable credit card numbers when a threshold limit has been satisfied. Flitcroft does not mention applying for or opening a credit account over the Internet.

Further, Flitcroft does not teach or suggest, among other things, a method of making an on-line purchase including the acts of proceeding to a payment screen that requests payment data, the screen displaying information to open a credit account, accessing the information to open the credit account, completing an on-line credit account application, verifying the application, and opening the credit account. Rather, Flitcroft discloses a system that allocates and distributes disposable credit card numbers that have been linked to a master credit card number. The system deactivates the disposable credit card numbers when a

threshold limit has been satisfied. Flitcroft does not mention applying for or opening a credit account over the Internet.

U.S. Patent Application Publication No. 2001/0011246 (“Tammaro”)

Tammaro discloses a system for processing automotive credit applications and providing two-way communication of loan application information between a dealer and one or more of a plurality of financial institutions using an Internet connection. The system 10 includes an auto dealership PC 12 connected to a server 16 to obtain access to the electronic loan/credit application 18. Paragraphs 11-12. The system 10 also includes an intermediate system server 20 and database 22. Paragraph 12. A user must preregister to obtain authorization to access the electronic loan/credit application 18. Paragraph 12. An authorized user can request an HTML electronic credit application form be transmitted to the PC 12. Paragraph 29. The user completes the form and designates a service provider(s) 54 to receive the form. Paragraph 30. The intermediate system server 20 receives the completed form where it is processed and stored in the database 22. *Id.* The system 10 forwards the form to the service provider(s) 54. *Id.* A transaction related response is received from the designated service provider 54, the database 22 is updated, and the response is retransmitted for display at the dealer PC 12. Paragraph 32.

Tammaro does not teach or suggest, among other things, a method for allowing a customer at an Internet client device to make Internet based purchases using a temporary credit card number including the acts of if the applicant data is verified, opening the credit account and issuing a temporary credit card number associated with the credit account the temporary credit card number being unique among a plurality of currently active temporary credit card numbers stored in a temporary account database, allowing a plurality of Internet based purchases based on the temporary credit card number until the temporary credit card number is deactivated, and deactivating the temporary credit card number.

Also, Tammaro does not teach or suggest, among other things, an apparatus for allowing a customer at an Internet client device to make Internet based purchases using a temporary credit card number comprising a memory device in communication with the microprocessor, the memory device storing a software program capable of being executed by the microprocessor, the software program being structured to cause the microprocessor to if the applicant data is verified, open the credit account and issue a temporary credit card number that is unique among a plurality of currently active temporary credit card numbers, allow a plurality of Internet based purchases based on the temporary credit card number until

the temporary credit card number is deactivated, and deactivating the temporary credit card number.

In addition, Tammaro does not teach or suggest, among other things, an apparatus for allowing a customer at an Internet client device to make Internet based purchases using a temporary credit card number comprising a network receiver operatively coupled to the Internet, the network receiver being structured to receive applicant data and purchase requests, a verification database in communication with the verification module, the verification module being structured to query the verification database to determine if the applicant data received by the receiver is valid, a temporary account module in communication with the verification module, a temporary account database in communication with the temporary account module, the temporary account module being structured to query the temporary account database to issue a temporary credit card number if the applicant data is verified, the temporary credit card number being unique among a plurality of currently active temporary credit card numbers, and a purchase approval module in communication with the network receiver and the temporary account module, the purchase approval module being structured to approve the purchase requests received by the receiver if the purchase requests are associated with the temporary credit card number and the temporary credit card number is active.

Further, Tammaro does not teach or suggest, among other things, a method of making an on-line purchase comprising the acts of accessing a computer to select an item for purchase, proceeding to a payment screen that requests payment data, the screen displaying information to open a credit account, accessing the information to open the credit account, opening the credit account, issuing an identification number associated with the credit account, and entering the identification number for payment.

THE REJECTION

The Office rejected Claims 1-27 under 35 U.S.C. § 103(a) as being unpatentable over Flitcroft and further in view of Tammaro. With respect to Claim 1, the Office contends that Flitcroft teaches a method for allowing a customer at an online Internet client device to make Internet purchases using a temporary credit card number as described in the abstract and paragraph 45. The Office contends that Flitcroft teaches a method for (if the applicant data is verified) opening the credit account and issuing a temporary credit card number ... unique among a plurality of currently active temporary card numbers as described in paragraph 53. The Office also contends that Flitcroft teaches allowing a plurality of Internet based

purchases based on the temporary credit card number until the temporary credit card number is deactivated as described in paragraph 45. The Office further contends that Flitcroft teaches deactivating the temporary credit card number as described in paragraph 45. The Office contends that Flitcroft teaches the step of opening the credit account and issuing a temporary credit card number associated with the credit account and subsequently allowing a plurality of Internet based purchases based on the temporary credit card number and subsequently deactivating the temporary credit card number. *Office action dated August 4, 2003*, page 4. The Office indicates that Flitcroft fails to disclose steps of transmitting an electronic credit card application from a server to the client device and (in response to it) receiving credit card application, storing the applicant data and subsequently verifying the applicant data against a verification database. Although Flitcroft fails to disclose these limitations, the Office indicates that these steps are routinely performed when a person applies for a credit card account over the Internet or through any other communication means. The Office also asserts that for the purpose of electronic commerce such as communicating data pertaining to a credit card application, the Internet is nothing more than a new form of communication.

The Office contends that Tammaro discloses a method and system for communication of credit card application data over the Internet comprising receiving a message indicative of a request to apply for a credit account at an Internet server from the Internet client device via the Internet as described in paragraph 12. The Office also contends that Tammaro discloses transmitting data indicative of an electronic credit account application from the Internet server to the Internet client device via the Internet as described in paragraph 12. The Office further contends that Tammaro discloses receiving the credit account application at the Internet server from the client device via the Internet, the credit account application including applicant data at paragraphs 16-24. The Office contends that Tammaro discloses storing the applicant data in a computer readable memory as described in paragraph 12. The Office also contends that Tammaro discloses verifying the applicant data against a verification database as described in paragraph 32. The Office further contends that it would have been obvious to one of ordinary skill in the art at the time of the invention to provide for, in the Flitcroft method, the acts of receiving a request to apply for a credit account at a server via the Internet, transmitting an electronic credit application to requesting client, receiving the credit application at the server from the client which includes the applicant data and storing and verifying the applicant data according to the disclosure of Tammaro, because these features would allow an applicant to apply for a credit account including the temporary credit card number feature as described in Flitcroft, via the Internet which provides an extra measure of

convenient access, availability without constraint of time and location for communication of credit card application related information and to receive and store same data on an Internet client device of his/her choosing. *Office action dated August 4, 2003*, pages 5-6.

With respect to Claims 3-10, the Office contends that other limitations regarding 'deactivating the temporary credit card number' is broadly interpreted in Flitcroft as described in paragraph 57.

With respect to Claims 13-23, the Office contends that these claims are apparatus claims which correspond to and have been rejected according to the analysis of corresponding method claims 1-9 and 11-12.

With respect to Claim 27, the Office contends that this claim is a method claim which has been analyzed as in claim 1. The Office also contends that the limitation entering the identification number for payment is disclosed at least in Figures 7-12 (of Flitcroft).

ARGUMENT

Relevant Law

The test for obviousness is what the combined teachings of the prior art would have suggested to one of ordinary skill in the art. *In re Keller*, 642 F.2d 413, 425, 208 U.S.P.Q. 871, 881 (CCPA 1981). In proceedings before the Patent and Trademark Office, the Examiner bears the burden of presenting a *prima facie* case of obviousness based upon the prior art. *In re Fritch*, 972 F.2d 1260, 1265, 23 U.S.P.Q.2d 1780, 1783 (Fed. Cir. 1992); *In re Fine*, 837 F.2d 1071, 1074, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988).

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. *In re Vaeck*, 947 F.2d 488, 493, 20 U.S.P.Q. 2d 1438, 1442 (Fed. Cir. 1991). Second, there must be a reasonable expectation of success. *Id.* Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. *In re Royka*, 490 F.2d 981, 985, 180 U.S.P.Q. 580, 583 (CCPA 1974); M.P.E.P. §§ 706.02(j), 2143.03.

In establishing a *prima facie* case of obviousness, it is incumbent upon the Examiner to provide a reason why one of ordinary skill in the art would have been led to modify a prior art reference or to combine reference teachings to arrive at the claimed invention. *Ex parte Clapp*, 227 U.S.P.Q. 972, 973 (Bd. Pat. App. & Int. 1985). To this end, the requisite motivation must stem from some teaching, suggestion or inference in the prior art as a whole

or from the knowledge generally available to one of ordinary skill in the art and not from Appellant's disclosure. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 1051, 5 U.S.P.Q.2d 1434, 1439 (Fed. Cir.), *cert. denied*, 488 U.S. 825 (1988); *In re Vaeck*, 947 F.2d at 493, 20 U.S.P.Q.2d at 1442; M.P.E.P. § 2143. The Examiner can only establish a *prima facie* case of obviousness by pointing out some objective teaching in the prior art references themselves that would lead one of ordinary skill in the art to combine the relevant teachings and the references. *In re Fine*, 837 F.2d at 1074, 5 U.S.P.Q.2d at 1598-99; *In re Jones*, 958 F.2d 347, 351, 21 U.S.P.Q.2d 1941, 1943-44 (Fed. Cir. 1992); M.P.E.P. § 2143.01.

In addition, the mere fact that the prior art structure could be modified does not make such a modification obvious unless the prior art suggests the desirability of doing so. *In re Gordon*, 733 F.2d 900, 902, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984); *In re Mills*, 916 F.2d 680, 682, 16 U.S.P.Q.2d 1430, 1432 (Fed. Cir. 1990); M.P.E.P. § 2143.01.

Further, if the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d at 902, 221 U.S.P.Q. at 1127 (Claimed device was a blood filter assembly for use during medical procedures that both the inlet and outlet for the blood were located at the bottom end of the filter assembly, and that a gas vent was present at the top of the filter assembly. The prior art reference taught a liquid strainer for removing dirt and water from gasoline and other light oils that the inlet and outlet were at the top of the device, and that a pet-cock (stopcock) was located at the bottom of the device for periodically removing the collected dirt and water. The reference further taught that the separation is assisted by gravity. The Board concluded the claims were *prima facie* obvious, reasoning that it would have been obvious to turn the reference device upside down. The court reversed, finding that if the prior art device was turned upside down it would be inoperable for its intended purpose because the gasoline to be filtered would be trapped at the top, the water and heavier oils sought to be separated would flow out of the outlet instead of the purified gasoline, and the screen would become clogged.); M.P.E.P. § 2143.01.

Claim Rejections under 35 U.S.C. § 103(a)

Group I

The claims of Group I, Claims 1-2 and 8-12, are patentable separately from the claims of the other groups, as described below in more detail.

Independent Claim 1 defines a method for allowing a customer at an Internet client device to make Internet based purchases using a temporary credit card number, the method

comprising the acts of receiving a message indicative of a request to apply for a credit account at an Internet server from the Internet client device via the Internet; transmitting data indicative of an electronic credit account application from the Internet server to the Internet client device via the Internet; receiving the credit account application at the Internet server from the client device via the Internet, the credit account application including applicant data; storing the applicant data in a computer readable memory; verifying the applicant data against a verification database; if the applicant data is verified, opening the credit account and issuing a temporary credit card number associated with the credit account the temporary credit card number being unique among a plurality of currently active temporary credit card numbers stored in a temporary account database; allowing a plurality of Internet based purchases based on the temporary credit card number until the temporary credit card number is deactivated; and deactivating the temporary credit card number.

Flitcroft does not teach or suggest, among other things, a method for allowing a customer at an Internet client device to make Internet based purchases using a temporary credit card number, the method comprising the acts of receiving a message indicative of a request to apply for a credit account at an Internet server from the Internet client device via the Internet, transmitting data indicative of an electronic credit account application from the Internet server to the Internet client device via the Internet, receiving the credit account application at the Internet server from the client device via the Internet, the credit account application including applicant data, storing the applicant data in a computer readable memory, verifying the applicant data against a verification database. Rather, Flitcroft discloses a credit card system that allocates and distributes disposable credit card numbers to reduce credit card fraud. Flitcroft does not teach or suggest requesting a credit account application on line. The Examiner also indicates that Flitcroft does not teach or suggest this element. *Office action dated August 4, 2003, page 4.*

Flitcroft also does not teach or suggest, among other things, the act of (if the applicant data is verified) opening the credit account and issuing a temporary credit card number associated with the credit account, the temporary credit card number being unique among a plurality of currently active temporary credit card numbers stored in a temporary account database. As noted above, Flitcroft discloses a system that allocates and distributes disposable credit card numbers that have been linked to a master credit card number. The system does not take credit account applications, review the application, and open an account if the applicant data is verified. Rather, anyone that already has an existing credit card can sign up for the service offered in Flitcroft to receive disposable credit card numbers. In

addition, Flitcroft does not teach or suggest opening a credit account via the Internet and being able to immediately use a temporary credit card number to make on-line purchases. For these and other reasons, Flitcroft does not teach or suggest the subject matter of Claim 1.

Tammaro does not cure the deficiencies of Flitcroft. Tammaro does not teach or suggest, among other things, a method for allowing a customer at an Internet client device to make Internet based purchases using a temporary credit card number including the acts of (if the applicant data is verified) opening the credit account and issuing a temporary credit card number associated with the credit account, the temporary credit card number being unique among a plurality of currently active temporary credit card numbers stored in a temporary account database. Rather, Tammaro discloses a system for processing automotive credit applications and providing two-way communication of loan application information between a dealer and a financial institution over the Internet. Tammaro does not disclose whether the system opens a credit account. The system in Tammaro appears to inform the auto dealer whether a person is approved for a credit/loan application. When a person is approved for an application, that does not mean that a credit account is opened for that person. In addition, the system does not issue a temporary credit card number.

Tammaro also does not teach or suggest, among other things, the acts of allowing a plurality of Internet based purchases based on the temporary credit card number until the temporary credit card number is deactivated, and deactivating the temporary credit card number. The system in Tammaro does not allow purchases via the Internet. The system is used by a person employed by the auto dealership because a valid user identification and password must be entered in order to use the system. A customer cannot use and/or access the system. For these and other reasons, Tammaro does not teach or suggest the subject matter defined by Claim 1.

To establish a *prima facie* case of obviousness, the prior art references, when combined, must teach or suggest all of the claim limitations. *In re Royka*, 490 F.2d at 985, 180 U.S.P.Q. 580 at 583; M.P.E.P. §§ 706.02(j), 2143.03. Assuming arguendo that the teaching of Flitcroft and Tammaro could or should be combined, Applicants respectfully point out that, even with the modification suggested by the Examiner in the present Office action, the claimed method is not taught or suggested by the references.

The Office contends that Flitcroft and Tammaro can be combined because the features of Tammaro would allow an applicant to apply for a credit account via the Internet, including the feature of associated temporary credit card numbers as described in Flitcroft, which provides an extra measure of convenient access and availability without constraint of time

and location for communication of credit card application related information and to receive and store the same data on an Internet client device of his/her choosing.

Applicants disagree that the teachings of Flitcroft and Tammaro can be combined. There is no suggestion or motivation, whether explicit or implicit, in Flitcroft or in Tammaro that the teachings of the references should or could be combined. The system in Tammaro is used solely by an employee of the auto dealership to determine if a person that wants to buy a car can be approved for a car loan. The system in Tammaro does not open a credit account with a revolving credit line and does not issue a credit card that can be used at various merchants. The system in Flitcroft also does not open credit accounts, but requires that a person have a preexisting credit account (in some situations, a person does not need a preexisting credit account, but the person is required to pre-pay for the temporary credit card numbers (Paragraph 64)) in order to use the system to obtain the temporary credit card numbers. There is no suggestion or motivation to combine the system of Tammaro with the system of Flitcroft because a car dealership does not need to use a system to obtain temporary credit card numbers for a person that wants to buy a car and needs to determine if the person can be approved for a one-time car loan.

For these and other reasons, Flitcroft and Tammaro, alone or in combination, do not teach or suggest all of the limitations of Claim 1. Further, there is no teaching or suggestion to combine the references. Therefore, Applicants respectfully submit that the Examiner has failed to present a *prima facie* case of obviousness of Claim 1 based upon the prior art as required by 35 U.S.C. § 103.

For these and other reasons, Flitcroft and Tammaro, alone or in combination, do not teach or suggest the subject matter defined by independent Claim 1. Accordingly, independent Claim 1 is allowable. Dependent Claims 2-12 depend from independent Claim 1 and are allowable for the same and other reasons.

Group II

The claim of Group II, Claim 3, is patentable separately from the other claims because this claim does not include all the limitations of the other claims and because this claim specifies that the step of deactivating the temporary credit card number in response to a predetermined time period elapsing comprises the step of expiring the temporary credit card number in response to a predetermined time period of customer inactivity at a website elapsing. More specifically, even if other claims are found to be anticipated by or obvious in view of the cited references, Claim 3 is still patentable because there is no teaching,

suggestion or incentive to provide the claimed method for allowing a customer at an Internet client device to make Internet based purchases using a temporary credit card number, as discussed below in more detail.

Claim 3 depends from independent Claim 1. As discussed above, Flitcroft and Tammaro do not teach or suggest the subject matter of independent Claim 1. Claim 3 specifies that the step of deactivating the temporary credit card number in response to a predetermined time period elapsing comprises the step of expiring the temporary credit card number in response to a predetermined time period of customer inactivity at a website elapsing.

Flitcroft does not teach or suggest, among other things, that the step of deactivating the temporary credit card number in response to a predetermined time period elapsing, the method comprising the step of expiring the temporary credit card number in response to a predetermined time period of customer inactivity at a website elapsing. Rather, the system in Flitcroft issues temporary credit card numbers to persons that can make future on-line purchases. Generally, the temporary credit card number is not entered until the checkout page, and when a person is making an on-line purchase, he/she completes the purchase after entering a credit card number. The person would not enter a temporary credit card number and leave the system idle, only to have the temporary credit card number expire.

The Office contends that Flitcroft broadly discloses other limitations regarding “deactivating the temporary credit card number” as described in paragraph 57. Applicants disagree. The Examiner has not shown, in the prior art, the claimed act of deactivating the temporary credit card number as specified in Claim 3. Flitcroft discloses certain predetermined instances, as selected by the card holder, when the temporary credit card number will expire. Flitcroft does not even remotely discuss the possibility of deactivating the temporary credit card if a certain period of time lapses at a web site.

Tammaro does not cure the deficiencies of Flitcroft. Tammaro does not teach or suggest, among other things, that the step of deactivating the temporary credit card number in response to a predetermined time period elapsing comprises the step of expiring the temporary credit card number in response to a predetermined time period of customer inactivity at a website elapsing. Rather, Tammaro discloses a system for processing automotive credit applications and providing two-way communication of loan application information between a dealer and a financial institution over the Internet.

To establish a *prima facie* case of obviousness, the prior art references, when combined, must teach or suggest all of the claim limitations. *In re Royka*, 490 F.2d at 985,

180 U.S.P.Q. 580 at 583; M.P.E.P. §§ 706.02(j), 2143.03. Assuming *arguendo* that the teaching of Flitcroft and Tammaro could or should be combined, Applicants respectfully point out that, even with the modification suggested by the Examiner in the present Office action, the claimed method is not taught or suggested by the references.

Further, there is no teaching or suggestion in Flitcroft or Tammaro that the teachings of these references should be combined. In fact, these references actually teach away from the combination suggested by the Examiner.

Rather than re-present the arguments set forth above with respect to this contention, for brevity's sake, Applicants refer to the discussion above for Claim 1. With respect to this claim, the same arguments apply to the lack of a suggestion in the references that the teachings of the references should or could be combined and to the contention that the references actually teach away from the combination suggested by the Examiner.

For these and other reasons, Flitcroft and Tammaro do not teach or suggest every element as set forth in Claim 3. Therefore, Applicants respectfully submit that the Examiner has failed to present a *prima facie* case of obviousness of Claim 3 based upon the prior art as required by 35 U.S.C. § 103.

For these and other reasons, Flitcroft and Tammaro do not teach or suggest the subject matter defined by dependent Claim 3. Accordingly, dependent Claim 3 is allowable.

Group III

The claims of Group III, Claims 4-5, are patentable separately from the other claims because these claims do not include all the limitations of the other claims and because these claims specify that the step of deactivating the temporary credit card number comprises the step of deactivating the temporary credit card number in response to receiving a request for a predetermined web page from the Internet client device. More specifically, even if other claims are found to be anticipated by or obvious in view of the cited references, Claims 4-5 are still patentable because there is no teaching, suggestion or incentive to provide the claimed method, as discussed below in more detail.

Claim 4 depends from independent Claim 1. As discussed above, Flitcroft does not teach or suggest the subject matter of independent Claim 1. Claim 4 specifies that the step of deactivating the temporary credit card number comprises the step of deactivating the temporary credit card number in response to receiving a request for a predetermined web page from the Internet client device.

Flitcroft does not teach or suggest, among other things, that the step of deactivating the temporary credit card number, the method comprising the step of deactivating the temporary credit card number in response to receiving a request for a predetermined web page from the Internet client device. Rather, the system in Flitcroft issues temporary credit card numbers to persons that can make future on-line purchases. Flitcroft does not disclose that the system will deactivate the temporary credit card number if a certain web page on the Internet is requested by the card holder.

The Office contends that Flitcroft broadly discloses other limitations regarding “deactivating the temporary credit card number” as described in paragraph 57. Applicants disagree. The Examiner has not shown, in the prior art, the claimed act of deactivating the temporary credit card number as specified in Claim 4. Flitcroft discloses certain predetermined instances, as selected by the card holder, when the temporary credit card number will expire. Flitcroft does not even remotely discuss the possibility of deactivating the temporary credit card if a certain web page is requested by the card holder.

Tammaro does not cure the deficiencies of Flitcroft. Tammaro does not teach or suggest; among other things, that the step of deactivating the temporary credit card number comprises the step of deactivating the temporary credit card number in response to receiving a request for a predetermined web page from the Internet client device. Rather, Tammaro discloses a system for processing automotive credit applications and providing two-way communication of loan application information between a dealer and a financial institution over the Internet.

To establish a *prima facie* case of obviousness, the prior art references, when combined, must teach or suggest all of the claim limitations. *In re Royka*, 490 F.2d at 985, 180 U.S.P.Q. 580 at 583; M.P.E.P. §§ 706.02(j), 2143.03. Assuming *arguendo* that the teaching of Flitcroft and Tammaro could or should be combined, Applicants respectfully point out that, even with the modification suggested by the Examiner in the present Office action, the claimed method is not taught or suggested by the references.

Further, there is no teaching or suggestion in Flitcroft or Tammaro that the teachings of these references should be combined. In fact, these references actually teach away from the combination suggested by the Examiner.

Rather than re-present the arguments set forth above with respect to this contention, for brevity's sake, Applicants refer to the discussion above for Claim 1. With respect to these claims, the same arguments apply to the lack of a suggestion in the references that the

teachings of the references should or could be combined and to the contention that the references actually teach away from the combination suggested by the Examiner.

For these and other reasons, Flitcroft and Tammaro do not teach or suggest every element as set forth in Claim 4. Therefore, Applicants respectfully submit that the Examiner has failed to present a *prima facie* case of obviousness of Claim 4 based upon the prior art as required by 35 U.S.C. § 103.

For these and other reasons, Flitcroft and Tammaro do not teach or suggest the subject matter defined by dependent Claim 4. Accordingly, dependent Claim 4 is allowable. Claim 5 depends from Claim 4, and is therefore allowable for at least the reasons set forth above with respect to Claim 4.

Group IV

The claim of Group IV, Claim 6, is patentable separately from the other claims because this claim does not include all the limitations of the other claims and because this claim specifies that the step of deactivating the temporary credit card number comprises the step of deactivating the temporary credit card number in response to receiving a message indicative of a browser shut down from the Internet client device via the Internet. More specifically, even if other claims are found to be anticipated by or obvious in view of the cited references, Claim 6 is still patentable because there is no teaching, suggestion or incentive to provide the claimed method, as discussed below in more detail.

Claim 6 depends from independent Claim 1. As discussed above, Flitcroft and Tammaro do not teach or suggest the subject matter of independent Claim 1. Claim 6 specifies that the step of deactivating the temporary credit card number comprises the step of deactivating the temporary credit card number in response to receiving a message indicative of a browser shut down from the Internet client device via the Internet.

Flitcroft does not teach or suggest, among other things, that the step of deactivating the temporary credit card number comprises the step of deactivating the temporary credit card number in response to receiving a message indicative of a browser shut down from the Internet client device via the Internet. Rather, the system in Flitcroft issues temporary credit card numbers to persons that can make future on-line purchases. Flitcroft does not disclose that the system will deactivate the temporary credit card number if the cardholder shuts down the Internet browser.

The Office contends that Flitcroft broadly discloses other limitations regarding “deactivating the temporary credit card number” as described in paragraph 57. Applicants

disagree. The Examiner has not shown, in the prior art, the claimed act of deactivating the temporary credit card number as specified in Claim 6. Flitcroft discloses certain predetermined instances, as selected by the card holder, when the temporary credit card number will expire. Flitcroft does not even remotely discuss the possibility of deactivating the temporary credit card if the card holder shuts down the Internet browser.

Tammaro does not cure the deficiencies of Flitcroft. Tammaro does not teach or suggest, among other things, that the step of deactivating the temporary credit card number comprises the step of deactivating the temporary credit card number in response to receiving a message indicative of a browser shut down from the Internet client device via the Internet. Rather, Tammaro discloses a system for processing automotive credit applications and providing two-way communication of loan application information between a dealer and a financial institution over the Internet.

To establish a *prima facie* case of obviousness, the prior art references, when combined, must teach or suggest all of the claim limitations. *In re Royka*, 490 F.2d at 985, 180 U.S.P.Q. 580 at 583; M.P.E.P. §§ 706.02(j), 2143.03. Assuming *arguendo* that the teaching of Flitcroft and Tammaro could or should be combined, Applicants respectfully point out that, even with the modification suggested by the Examiner in the present Office action, the claimed method is not taught or suggested by the references.

Further, there is no teaching or suggestion in Flitcroft or Tammaro that the teachings of these references should be combined. In fact, these references actually teach away from the combination suggested by the Examiner.

Rather than re-present the arguments set forth above with respect to this contention, for brevity's sake, Applicants refer to the discussion above for Claim 1. With respect to these claims, the same arguments apply to the lack of a suggestion in the references that the teachings of the references should or could be combined and to the contention that the references actually teach away from the combination suggested by the Examiner.

For these and other reasons, Flitcroft and Tammaro do not teach or suggest every element as set forth in Claim 6. Therefore, Applicants respectfully submit that the Examiner has failed to present a *prima facie* case of obviousness of Claim 6 based upon the prior art as required by 35 U.S.C. § 103.

For these and other reasons, Flitcroft and Tammaro do not teach or suggest the subject matter defined by dependent Claim 6. Accordingly, dependent Claim 6 is allowable.

Group V

The claim of Group V, Claim 7, is patentable separately from the other claims because this claim does not include all the limitations of the other claims and because this claim specifies that the step of deactivating the temporary credit card number comprises the step of deactivating the temporary credit card number in response to the Internet client device failing to respond to a communication request. More specifically, even if other claims are found to be anticipated by or obvious in view of the cited references, Claim 7 is still patentable because there is no teaching, suggestion or incentive to provide the claimed method, as discussed below in more detail.

Claim 7 depends from independent Claim 1. As discussed above, Flitcroft and Tammaro do not teach or suggest the subject matter of independent Claim 1. Claim 7 specifies that the step of deactivating the temporary credit card number comprises the step of deactivating the temporary credit card number in response to the Internet client device failing to respond to a communication request.

Flitcroft does not teach or suggest, among other things, that the step of deactivating the temporary credit card number comprises the step of deactivating the temporary credit card number in response to the Internet client device failing to respond to a communication request. Rather, the system in Flitcroft issues temporary credit card numbers to persons that can make future on-line purchases. Flitcroft does not disclose that the system will deactivate the temporary credit card number if the Internet client device fails to respond to a communication request.

The Office contends that Flitcroft broadly discloses other limitations regarding “deactivating the temporary credit card number” as described in paragraph 57. Applicants disagree. The Examiner has not shown, in the prior art, the claimed act of deactivating the temporary credit card number as specified in Claim 7. Flitcroft discloses certain predetermined instances, as selected by the card holder, when the temporary credit card number will expire. Flitcroft does not even remotely discuss the possibility of deactivating the temporary credit card if the Internet client device fails to respond to a communication request.

Tammaro does not cure the deficiencies of Flitcroft. Tammaro does not teach or suggest, among other things, that the step of deactivating the temporary credit card number comprises the step of deactivating the temporary credit card number in response to the Internet client device failing to respond to a communication request. Rather, Tammaro discloses a system for processing automotive credit applications and providing two-way

communication of loan application information between a dealer and a financial institution over the Internet.

To establish a *prima facie* case of obviousness, the prior art references, when combined, must teach or suggest all of the claim limitations. *In re Royka*, 490 F.2d at 985, 180 U.S.P.Q. 580 at 583; M.P.E.P. §§ 706.02(j), 2143.03. Assuming *arguendo* that the teaching of Flitcroft and Tammaro could or should be combined, Applicants respectfully point out that, even with the modification suggested by the Examiner in the present Office action, the claimed method is not taught or suggested by the references.

Further, there is no teaching or suggestion in Flitcroft or Tammaro that the teachings of these references should be combined. In fact, these references actually teach away from the combination suggested by the Examiner.

Rather than re-present the arguments set forth above with respect to this contention, for brevity's sake, Applicants refer to the discussion above for Claim 1. With respect to these claims, the same arguments apply to the lack of a suggestion in the references that the teachings of the references should or could be combined and to the contention that the references actually teach away from the combination suggested by the Examiner.

For these and other reasons, Flitcroft and Tammaro do not teach or suggest every element as set forth in Claim 7. Therefore, Applicants respectfully submit that the Examiner has failed to present a *prima facie* case of obviousness of Claim 7 based upon the prior art as required by 35 U.S.C. § 103.

For these and other reasons, Flitcroft and Tammaro do not teach or suggest the subject matter defined by dependent Claim 7. Accordingly, dependent Claim 7 is allowable.

Group VI

The claims of Group VI, Claims 13-14 and 20-23, are patentable separately from the other claims because these claims do not include all the limitations of the other claims and because these claims specify an apparatus for allowing a customer at an Internet client device to make Internet based purchases using a temporary credit card number, the apparatus comprising a network receiver operatively coupled to the Internet, a network transmitter operatively coupled to the Internet, a microprocessor in communication with the network receiver and the network transmitter, and a memory device in communication with the microprocessor, the memory device storing a software program capable of being executed by the microprocessor, the software program being structured to cause the microprocessor to receive a message indicative of a request to apply for a credit account from the network

receiver, transmit data indicative of an electronic credit account application to the network transmitter, receive the application from the network receiver, the application including applicant data, verify the applicant data against a verification database, if the applicant data is verified, open the credit account and issue a temporary credit card number that is unique among a plurality of currently active temporary credit card numbers, allow a plurality of Internet based purchases based on the temporary credit card number until the temporary credit card number is deactivated, and deactivating the temporary credit card number. More specifically, even if other claims are found to be anticipated by or obvious in view of the cited references, Claims 13-14 and 20-23 are still patentable because there is no teaching, suggestion or incentive to provide the claimed apparatus, as discussed below in more detail.

Independent Claim 13 defines an apparatus for allowing a customer at an Internet client device to make Internet based purchases using a temporary credit card number, the apparatus comprising a network receiver operatively coupled to the Internet, a network transmitter operatively coupled to the Internet, a microprocessor in communication with the network receiver and the network transmitter, and a memory device in communication with the microprocessor, the memory device storing a software program capable of being executed by the microprocessor, the software program being structured to cause the microprocessor to receive a message indicative of a request to apply for a credit account from the network receiver, transmit data indicative of an electronic credit account application to the network transmitter, receive the application from the network receiver, the application including applicant data, verify the applicant data against a verification database, if the applicant data is verified, open the credit account and issue a temporary credit card number that is unique among a plurality of currently active temporary credit card numbers, allow a plurality of Internet based purchases based on the temporary credit card number until the temporary credit card number is deactivated, and deactivating the temporary credit card number.

Flitcroft does not teach or suggest, among other things, a memory device that stores a software program capable of being executed by the microprocessor, wherein the software program is structured to cause the microprocessor to receive a message indicative of a request to apply for a credit account from the network receiver, transmit data indicative of an electronic credit account application to the network transmitter, receive the application from the network receiver, the application including applicant data, and verify the applicant data against a verification database. Rather, Flitcroft discloses a credit card system that allocates and distributes disposable credit card numbers to reduce credit card fraud. Flitcroft does not teach or suggest requesting a credit account application on line. The Office also indicates

that Flitcroft does not teach or suggest this element. *Office action dated August 4, 2003*, pages 4 and 7.

Flitcroft also does not teach or suggest, among other things, a memory device that stores a software program capable of being executed by the microprocessor, wherein the software program is structured to cause the microprocessor to, if the applicant data is verified, open the credit account and issue a temporary credit card number that is unique among a plurality of currently active temporary credit card numbers. As noted above, Flitcroft discloses a system that allocates and distributes disposable credit card numbers that have been linked to a master credit card number. The system does not take credit account applications, review the application, and open an account if the applicant data is verified. Rather, anyone that already has an existing credit card can sign up for the service offered in Flitcroft to receive disposable credit card numbers. In addition, Flitcroft does not teach or suggest opening a credit account via the Internet and being able to immediately use a temporary credit card number to make on-line purchases. For these and other reasons, Flitcroft does not teach or suggest the subject matter of Claim 13.

Tammaro does not cure the deficiencies of Flitcroft. Tammaro does not teach or suggest, among other things, a memory device that stores a software program capable of being executed by the microprocessor, wherein the software program is structured to cause the microprocessor to, if the applicant data is verified, open the credit account and issue a temporary credit card number that is unique among a plurality of currently active temporary credit card numbers. Rather, Tammaro discloses a system for processing automotive credit applications and providing two-way communication of loan application information between a dealer and a financial institution over the Internet. Tammaro does not disclose whether the system opens a credit account. The system in Tammaro appears to inform the auto dealer whether a person is approved for a credit/loan application. When a person is approved for an application, that does not mean that a credit account is opened for that person. In addition, the system does not issue a temporary credit card number.

Tammaro also does not teach or suggest, among other things, a memory device that stores a software program capable of being executed by the microprocessor, wherein the software program is structured to cause the microprocessor to allow a plurality of Internet based purchases based on the temporary credit card number until the temporary credit card number is deactivated, and deactivating the temporary credit card number. The system in Tammaro does not allow purchases via the Internet. The system is used by a person employed by the auto dealership because a valid user identification and password must be

entered in order to use the system. A customer cannot use and/or access the system. For these and other reasons, Tammaro does not teach or suggest the subject matter defined by Claim 13.

To establish a *prima facie* case of obviousness, the prior art references, when combined, must teach or suggest all of the claim limitations. *In re Royka*, 490 F.2d at 985, 180 U.S.P.Q. 580 at 583; M.P.E.P. §§ 706.02(j), 2143.03. Assuming arguendo that the teaching of Flitcroft and Tammaro could or should be combined, Applicants respectfully point out that, even with the modification suggested by the Examiner in the present Office action, the claimed apparatus is not taught or suggested by the references.

Further, there is no teaching or suggestion in Flitcroft or Tammaro that the teachings of these references should be combined. In fact, these references actually teach away from the combination suggested by the Examiner.

Rather than re-present the arguments set forth above with respect to this contention, for brevity's sake, Applicants refer to the discussion above for Claim 1. With respect to these claims, the same arguments apply to the lack of a suggestion in the references that the teachings of the references should or could be combined and to the contention that the references actually teach away from the combination suggested by the Examiner.

For these and other reasons, Flitcroft and Tammaro do not teach or suggest every element as set forth in Claim 13. Therefore, Applicants respectfully submit that the Examiner has failed to present a *prima facie* case of obviousness of Claim 13 based upon the prior art as required by 35 U.S.C. § 103.

For these and other reasons, Flitcroft and Tammaro do not teach or suggest the subject matter defined by independent Claim 13. Accordingly, independent Claim 13 is allowable. Dependent Claims 14-23 depend from independent Claim 13 and are allowable for the same and other reasons.

Group VII

The claim of Group VII, Claim 15, is patentable separately from the other claims because this claim does not include all the limitations of the other claims and because this claim specifies that the software program is structured to cause the microprocessor to deactivate the temporary credit card number in response to a predetermined time period of customer inactivity at a website elapsing. More specifically, even if other claims are found to be anticipated by or obvious in view of the cited references, Claim 15 is still patentable

because there is no teaching, suggestion or incentive to provide the claimed apparatus, as discussed below in more detail.

Claim 15 depends from independent Claim 13. As discussed above, Flitcroft and Tammaro do not teach or suggest the subject matter of independent Claim 13. Claim 15 specifies that the software program is structured to cause the microprocessor to deactivate the temporary credit card number in response to a predetermined time period of customer inactivity at a website elapsing.

Flitcroft does not teach or suggest, among other things, that the software program is structured to cause the microprocessor to deactivate the temporary credit card number in response to a predetermined time period of customer inactivity at a website elapsing. Rather, the system in Flitcroft issues temporary credit card numbers to persons that can make future on-line purchases. Generally, the temporary credit card number is not entered until the checkout page, and when a person is making an on-line purchase, he/she completes the purchase after entering a credit card number. The person would not enter a temporary credit card number and leave the system idle, only to have the temporary credit card number expire.

The Office contends that Flitcroft broadly discloses other limitations regarding “deactivating the temporary credit card number” as described in paragraph 57. Applicants disagree. The Examiner has not shown, in the prior art, the claimed memory device that stores a software program that is capable of deactivating the temporary credit card number as specified in Claim 15. Flitcroft discloses certain predetermined instances, as selected by the card holder, when the temporary credit card number will expire. Flitcroft does not even remotely discuss the possibility of deactivating the temporary credit card if a certain period of time lapses at a web site.

Tammaro does not cure the deficiencies of Flitcroft. Tammaro does not teach or suggest, among other things, that the step of deactivating the temporary credit card number in response to a predetermined time period elapsing comprises the step of expiring the temporary credit card number in response to a predetermined time period of customer inactivity at a website elapsing. Rather, Tammaro discloses a system for processing automotive credit applications and providing two-way communication of loan application information between a dealer and a financial institution over the Internet.

To establish a *prima facie* case of obviousness, the prior art references, when combined, must teach or suggest all of the claim limitations. *In re Royka*, 490 F.2d at 985, 180 U.S.P.Q. 580 at 583; M.P.E.P. §§ 706.02(j), 2143.03. Assuming arguendo that the teaching of Flitcroft and Tammaro could or should be combined, Applicants respectfully

point out that, even with the modification suggested by the Examiner in the present Office action, the claimed apparatus is not taught or suggested by the references.

Further, there is no teaching or suggestion in Flitcroft or Tammaro that the teachings of these references should be combined. In fact, these references actually teach away from the combination suggested by the Examiner.

Rather than re-present the arguments set forth above with respect to this contention, for brevity's sake, Applicants refer to the discussion above for Claim 1. With respect to this claim, the same arguments apply to the lack of a suggestion in the references that the teachings of the references should or could be combined and to the contention that the references actually teach away from the combination suggested by the Examiner.

For these and other reasons, Flitcroft and Tammaro do not teach or suggest every element as set forth in Claim 15. Therefore, Applicants respectfully submit that the Examiner has failed to present a *prima facie* case of obviousness of Claim 15 based upon the prior art as required by 35 U.S.C. § 103.

For these and other reasons, Flitcroft and Tammaro do not teach or suggest the subject matter defined by dependent Claim 15. Accordingly, dependent Claim 15 is allowable.

Group VIII

The claim of Group VIII, Claim 16, is patentable separately from the other claims because this claim does not include all the limitations of the other claims and because this claim specifies that the software program is structured to cause the microprocessor to deactivate the temporary credit card number in response to receiving a request for a predetermined web page from the Internet client device. More specifically, even if other claims are found to be anticipated by or obvious in view of the cited references, Claim 16 is still patentable because there is no teaching, suggestion or incentive to provide the claimed apparatus, as discussed below in more detail.

Claim 16 depends from independent Claim 13. As discussed above, Flitcroft and Tammaro do not teach or suggest the subject matter of independent Claim 13. Claim 16 specifies that the software program is structured to cause the microprocessor to deactivate the temporary credit card number in response to receiving a request for a predetermined web page from the Internet client device.

Flitcroft does not teach or suggest, among other things, that the software program is structured to cause the microprocessor to deactivate the temporary credit card number in response to receiving a request for a predetermined web page from the Internet client device.

Rather, the system in Flitcroft issues temporary credit card numbers to persons that can make future on-line purchases. Flitcroft does not disclose that the system will deactivate the temporary credit card number if a certain web page on the Internet is requested by the card holder.

The Office contends that Flitcroft broadly discloses other limitations regarding “deactivating the temporary credit card number” as described in paragraph 57. See *Office action dated August 4, 2003*, pages 6-7. Applicants disagree. The Examiner has not shown, in the prior art, the claimed memory device that stores a software program that is capable of deactivating the temporary credit card number as specified in Claim 16. Flitcroft discloses certain predetermined instances, as selected by the card holder, when the temporary credit card number will expire. Flitcroft does not even remotely discuss the possibility of deactivating the temporary credit card if a certain web page is requested by the card holder.

Tammaro does not cure the deficiencies of Flitcroft. Tammaro does not teach or suggest, among other things, that the step of deactivating the temporary credit card number comprises the step of deactivating the temporary credit card number in response to receiving a request for a predetermined web page from the Internet client device. Rather, Tammaro discloses a system for processing automotive credit applications and providing two-way communication of loan application information between a dealer and a financial institution over the Internet.

To establish a *prima facie* case of obviousness, the prior art references, when combined, must teach or suggest all of the claim limitations. *In re Royka*, 490 F.2d at 985, 180 U.S.P.Q. 580 at 583; M.P.E.P. §§ 706.02(j), 2143.03. Assuming arguendo that the teaching of Flitcroft and Tammaro could or should be combined, Applicants respectfully point out that, even with the modification suggested by the Examiner in the present Office action, the claimed apparatus is not taught or suggested by the references.

Further, there is no teaching or suggestion in Flitcroft or Tammaro that the teachings of these references should be combined. In fact, these references actually teach away from the combination suggested by the Examiner.

Rather than re-present the arguments set forth above with respect to this contention, for brevity's sake, Applicants refer to the discussion above for Claim 1. With respect to these claims, the same arguments apply to the lack of a suggestion in the references that the teachings of the references should or could be combined and to the contention that the references actually teach away from the combination suggested by the Examiner.

For these and other reasons, Flitcroft and Tammaro do not teach or suggest every element as set forth in Claim 16. Therefore, Applicants respectfully submit that the Examiner has failed to present a *prima facie* case of obviousness of Claim 16 based upon the prior art as required by 35 U.S.C. § 103.

For these and other reasons, Flitcroft and Tammaro do not teach or suggest the subject matter defined by dependent Claim 16. Accordingly, dependent Claim 16 is allowable.

Group IX

The claim of Group IX, Claim 17, is patentable separately from the other claims because this claim does not include all the limitations of the other claims and because this claim specifies that the software program is structured to cause the microprocessor to deactivate the temporary credit card number in response to receiving a request for a home page from the Internet client device. More specifically, even if other claims are found to be anticipated by or obvious in view of the cited references, Claim 17 is still patentable because there is no teaching, suggestion or incentive to provide the claimed apparatus, as discussed below in more detail.

Claim 17 depends from independent Claim 13. As discussed above, Flitcroft and Tammaro do not teach or suggest the subject matter of independent Claim 13. Claim 17 specifies that the software program is structured to cause the microprocessor to deactivate the temporary credit card number in response to receiving a request for a home page from the Internet client device.

Flitcroft does not teach or suggest, among other things, that the software program is structured to cause the microprocessor to deactivate the temporary credit card number in response to receiving a request for a home page from the Internet client device. Rather, the system in Flitcroft issues temporary credit card numbers to persons that can make future on-line purchases. Flitcroft does not disclose that the system will deactivate the temporary credit card number if a home page on the Internet is requested by the card holder.

The Office contends that Flitcroft broadly discloses other limitations regarding “deactivating the temporary credit card number” as described in paragraph 57. See *Office action dated August 4, 2003*, pages 6-7. Applicants disagree. The Examiner has not shown, in the prior art, the claimed memory device that stores a software program that is capable of deactivating the temporary credit card number as specified in Claim 17. Flitcroft discloses certain predetermined instances, as selected by the card holder, when the temporary credit

card number will expire. Flitcroft does not even remotely discuss the possibility of deactivating the temporary credit card if a home page is requested by the card holder.

Tammaro does not cure the deficiencies of Flitcroft. Tammaro does not teach or suggest, among other things, that the software program is structured to cause the microprocessor to deactivate the temporary credit card number in response to receiving a request for a home page from the Internet client device. Rather, Tammaro discloses a system for processing automotive credit applications and providing two-way communication of loan application information between a dealer and a financial institution over the Internet.

To establish a *prima facie* case of obviousness, the prior art references, when combined, must teach or suggest all of the claim limitations. *In re Royka*, 490 F.2d at 985, 180 U.S.P.Q. 580 at 583; M.P.E.P. §§ 706.02(j), 2143.03. Assuming arguendo that the teaching of Flitcroft and Tammaro could or should be combined, Applicants respectfully point out that, even with the modification suggested by the Examiner in the present Office action, the claimed apparatus is not taught or suggested by the references.

Further, there is no teaching or suggestion in Flitcroft or Tammaro that the teachings of these references should be combined. In fact, these references actually teach away from the combination suggested by the Examiner.

Rather than re-present the arguments set forth above with respect to this contention, for brevity's sake, Applicants refer to the discussion above for Claim 1. With respect to these claims, the same arguments apply to the lack of a suggestion in the references that the teachings of the references should or could be combined and to the contention that the references actually teach away from the combination suggested by the Examiner.

For these and other reasons, Flitcroft and Tammaro do not teach or suggest every element as set forth in Claim 17. Therefore, Applicants respectfully submit that the Examiner has failed to present a *prima facie* case of obviousness of Claim 17 based upon the prior art as required by 35 U.S.C. § 103.

For these and other reasons, Flitcroft and Tammaro do not teach or suggest the subject matter defined by dependent Claim 17. Accordingly, dependent Claim 17 is allowable.

Group X

The claim of Group X, Claim 18, is patentable separately from the other claims because this claim does not include all the limitations of the other claims and because this claim specifies that the software program is structured to cause the microprocessor to deactivate the temporary credit card number in response to receiving a message indicative of

a browser shut down from the Internet client device. More specifically, even if other claims are found to be anticipated by or obvious in view of the cited references, Claim 18 is still patentable because there is no teaching, suggestion or incentive to provide the claimed apparatus, as discussed below in more detail.

Claim 18 depends from independent Claim 13. As discussed above, Flitcroft and Tammaro do not teach or suggest the subject matter of independent Claim 13. Claim 18 specifies that the software program is structured to cause the microprocessor to deactivate the temporary credit card number in response to receiving a message indicative of a browser shut down from the Internet client device.

Flitcroft does not teach or suggest, among other things, that the software program is structured to cause the microprocessor to deactivate the temporary credit card number in response to receiving a message indicative of a browser shut down from the Internet client device. Rather, the system in Flitcroft issues temporary credit card numbers to persons that can make future on-line purchases. Flitcroft does not disclose that the system will deactivate the temporary credit card number if the cardholder shuts down the Internet browser.

The Office contends that Flitcroft broadly discloses other limitations regarding “deactivating the temporary credit card number” as described in paragraph 57. See *Office action dated August 4, 2003*, pages 6-7. Applicants disagree. The Examiner has not shown, in the prior art, the claimed memory device that stores a software program that is capable of deactivating the temporary credit card number as specified in Claim 18. Flitcroft discloses certain predetermined instances, as selected by the card holder, when the temporary credit card number will expire. Flitcroft does not even remotely discuss the possibility of deactivating the temporary credit card if the card holder shuts down the Internet browser.

Tammaro does not cure the deficiencies of Flitcroft. Tammaro does not teach or suggest; among other things, that the software program is structured to cause the microprocessor to deactivate the temporary credit card number in response to receiving a message indicative of a browser shut down from the Internet client device. Rather, Tammaro discloses a system for processing automotive credit applications and providing two-way communication of loan application information between a dealer and a financial institution over the Internet.

To establish a *prima facie* case of obviousness, the prior art references, when combined, must teach or suggest all of the claim limitations. *In re Royka*, 490 F.2d at 985, 180 U.S.P.Q. 580 at 583; M.P.E.P. §§ 706.02(j), 2143.03. Assuming arguendo that the teaching of Flitcroft and Tammaro could or should be combined, Applicants respectfully

point out that, even with the modification suggested by the Examiner in the present Office action, the claimed apparatus is not provided by the references.

Further, there is no teaching or suggestion in Flitcroft or Tammaro that the teachings of these references should be combined. In fact, these references actually teach away from the combination suggested by the Examiner.

Rather than re-present the arguments set forth above with respect to this contention, for brevity's sake, Applicants refer to the discussion above for Claim 1. With respect to these claims, the same arguments apply to the lack of a suggestion in the references that the teachings of the references should or could be combined and to the contention that the references actually teach away from the combination suggested by the Examiner.

For these and other reasons, Flitcroft and Tammaro do not teach or suggest every element as set forth in Claim 18. Therefore, Applicants respectfully submit that the Examiner has failed to present a *prima facie* case of obviousness of Claim 18 based upon the prior art as required by 35 U.S.C. § 103.

For these and other reasons, Flitcroft and Tammaro do not teach or suggest the subject matter defined by dependent Claim 18. Accordingly, dependent Claim 18 is allowable.

Group XI

The claim of Group XI, Claim 19, is patentable separately from the other claims because this claim does not include all the limitations of the other claims and because this claim specifies that the software program is structured to cause the microprocessor to deactivate the temporary credit card number in response to the Internet client device failing to respond to a communication request. More specifically, even if other claims are found to be anticipated by or obvious in view of the cited references, Claim 19 is still patentable because there is no teaching, suggestion or incentive to provide the claimed apparatus, as discussed below in more detail.

Claim 19 depends from independent Claim 13. As discussed above, Flitcroft and Tammaro do not teach or suggest the subject matter of independent Claim 1. Claim 19 specifies that the software program is structured to cause the microprocessor to deactivate the temporary credit card number in response to the Internet client device failing to respond to a communication request.

Flitcroft does not teach or suggest, among other things, that the software program is structured to cause the microprocessor to deactivate the temporary credit card number in response to the Internet client device failing to respond to a communication request. Rather,

the system in Flitcroft issues temporary credit card numbers to persons that can make future on-line purchases. Flitcroft does not disclose that the system will deactivate the temporary credit card number if the Internet client device fails to respond to a communication request.

The Office contends that Flitcroft broadly discloses other limitations regarding “deactivating the temporary credit card number” as described in paragraph 57. See *Office action dated August 4, 2003*, pages 6-7. Applicants disagree. The Examiner has not shown, in the prior art, the claimed memory device that stores a software program that is capable of deactivating the temporary credit card number as specified in Claim 19. Flitcroft discloses certain predetermined instances, as selected by the card holder, when the temporary credit card number will expire. Flitcroft does not even remotely discuss the possibility of deactivating the temporary credit card if the Internet client device fails to respond to a communication request.

Tammaro does not cure the deficiencies of Flitcroft. Tammaro does not teach or suggest, among other things, that the software program is structured to cause the microprocessor to deactivate the temporary credit card number in response to the Internet client device failing to respond to a communication request. Rather, Tammaro discloses a system for processing automotive credit applications and providing two-way communication of loan application information between a dealer and a financial institution over the Internet.

To establish a *prima facie* case of obviousness, the prior art references, when combined, must teach or suggest all of the claim limitations. *In re Royka*, 490 F.2d at 985, 180 U.S.P.Q. 580 at 583; M.P.E.P. §§ 706.02(j), 2143.03. Assuming arguendo that the teaching of Flitcroft and Tammaro could or should be combined, Applicants respectfully point out that, even with the modification suggested by the Examiner in the present Office action, the claimed apparatus is not taught or suggested by the references.

Further, there is no teaching or suggestion in Flitcroft or Tammaro that the teachings of these references should be combined. In fact, these references actually teach away from the combination suggested by the Examiner.

Rather than re-present the arguments set forth above with respect to this contention, for brevity’s sake, Applicants refer to the discussion above for Claim 1. With respect to these claims, the same arguments apply to the lack of a suggestion in the references that the teachings of the references should or could be combined and to the contention that the references actually teach away from the combination suggested by the Examiner.

For these and other reasons, Flitcroft and Tammaro do not teach or suggest every element as set forth in Claim 19. Therefore, Applicants respectfully submit that the Examiner

has failed to present a *prima facie* case of obviousness of Claim 19 based upon the prior art as required by 35 U.S.C. § 103.

For these and other reasons, Flitcroft and Tammaro do not teach or suggest the subject matter defined by dependent Claim 19. Accordingly, dependent Claim 19 is allowable.

Group XII

The claims of Group XII, Claims 24-26, are patentable separately from the other claims because these claims do not include all the limitations of the other claims and because these claims specify an apparatus for allowing a customer at an Internet client device to make Internet based purchases using a temporary credit card number, the apparatus comprising a network receiver operatively coupled to the Internet, the network receiver being structured to receive applicant data and purchase requests, a verification module operatively coupled to the network receiver, a verification database in communication with the verification module, the verification module being structured to query the verification database to determine if the applicant data received by the receiver is valid, a temporary account module in communication with the verification module, a temporary account database in communication with the temporary account module, the temporary account module being structured to query the temporary account database to issue a temporary credit card number if the applicant data is verified, the temporary credit card number being unique among a plurality of currently active temporary credit card numbers, and a purchase approval module in communication with the network receiver and the temporary account module, the purchase approval module being structured to approve the purchase requests received by the receiver if the purchase requests are associated with the temporary credit card number and the temporary credit card number is active. More specifically, even if other claims are found to be anticipated by or obvious in view of the cited references, Claims 24-26 are still patentable because there is no teaching, suggestion or incentive to provide the claimed apparatus, as discussed below in more detail.

Independent Claim 24 defines an apparatus for allowing a customer at an Internet client device to make Internet based purchases using a temporary credit card number, the apparatus comprising a network receiver operatively coupled to the Internet, the network receiver being structured to receive applicant data and purchase requests, a verification module operatively coupled to the network receiver, a verification database in communication with the verification module, the verification module being structured to query the verification database to determine if the applicant data received by the receiver is

valid, a temporary account module in communication with the verification module, a temporary account database in communication with the temporary account module, the temporary account module being structured to query the temporary account database to issue a temporary credit card number if the applicant data is verified, the temporary credit card number being unique among a plurality of currently active temporary credit card numbers, and a purchase approval module in communication with the network receiver and the temporary account module, the purchase approval module being structured to approve the purchase requests received by the receiver if the purchase requests are associated with the temporary credit card number and the temporary credit card number is active.

Flitcroft does not teach or suggest, among other things, a network receiver operatively coupled to the Internet, the network receiver being structured to receive applicant data and purchase requests. Rather, Flitcroft discloses a credit card system that allocates and distributes disposable credit card numbers to reduce credit card fraud. The system 100 in Flitcroft includes a central processing unit 120, which interfaces with remote devices 104. The central processing unit 120 approves or denies credit card transactions. Paragraphs 70-71. The central processing unit 120 interfaces with a local card dispenser 128 to dispense the limited use cards 132. Paragraph 72. Customers can use the temporary credit card numbers at various merchants, either in the merchant's store or on its web site. Flitcroft does not teach or suggest a system receiver that receives both applicant data and purchase requests.

Flitcroft also does not teach or suggest, among other things, a verification database in communication with the verification module, the verification module being structured to query the verification database to determine if the applicant data received by the receiver is valid. As noted above, Flitcroft discloses a system that allocates and distributes disposable credit card numbers that have been linked to a master credit card number. The system does not take credit account applications, and, therefore, does not take applicant data. Rather, anyone that already has an existing credit card can sign up for the service offered in Flitcroft to receive disposable credit card numbers. For these and other reasons, Flitcroft does not teach or suggest the subject matter of Claim 24.

Tammaro does not cure the deficiencies of Flitcroft. Tammaro does not teach or suggest, among other things, a network receiver operatively coupled to the Internet, the network receiver being structured to receive applicant data and purchase requests. Rather, Tammaro discloses a system for processing automotive credit applications and providing two-way communication of loan application information between a dealer and a financial institution over the Internet. The system in Tammaro does not allow purchases via the

Internet. The system is used by a person employed by the auto dealership because a valid user identification and password must be entered in order to use the system. A customer cannot use and/or access the system. For these and other reasons, Tammaro does not teach or suggest the subject matter defined by Claim 24.

To establish a *prima facie* case of obviousness, the prior art references, when combined, must teach or suggest all of the claim limitations. *In re Royka*, 490 F.2d at 985, 180 U.S.P.Q. 580 at 583; M.P.E.P. §§ 706.02(j), 2143.03. Assuming *arguendo* that the teaching of Flitcroft and Tammaro could or should be combined, Applicants respectfully point out that, even with the modification suggested by the Examiner in the present Office action, the claimed apparatus is not taught or suggested by the references.

Further, there is no teaching or suggestion in Flitcroft or Tammaro that the teachings of these references should be combined. In fact, these references actually teach away from the combination suggested by the Examiner.

Rather than re-present the arguments set forth above with respect to this contention, for brevity's sake, Applicants refer to the discussion above for Claim 1. With respect to these claims, the same arguments apply to the lack of a suggestion in the references that the teachings of the references should or could be combined and to the contention that the references actually teach away from the combination suggested by the Examiner.

For these and other reasons, Flitcroft and Tammaro do not teach or suggest every element as set forth in Claim 24. Therefore, Applicants respectfully submit that the Examiner has failed to present a *prima facie* case of obviousness of Claim 24 based upon the prior art as required by 35 U.S.C. § 103.

For these and other reasons, Flitcroft and Tammaro do not teach or suggest the subject matter defined by independent Claim 24. Accordingly, independent Claim 24 is allowable. Dependent Claims 25-26 depend from independent Claim 24 and are allowable for the same and other reasons.

Group XIII

The claim of Group XIII, Claim 27, is patentable separately from the other claims because this claim does not include all the limitations of the other claims and because this claim specifies a method of making an on-line purchase, the method comprising accessing a computer to select an item for purchase, proceeding to a payment screen that requests payment data, the screen displaying information to open a credit account, accessing the information to open the credit account, completing an on-line credit account application,

verifying the application, opening the credit account, issuing an identification number associated with the credit account, entering the identification number for payment. More specifically, even if other claims are found to be anticipated by or obvious in view of the cited references, Claim 27 is still patentable because there is no teaching, suggestion or incentive to provide the claimed method, as discussed below in more detail.

Independent Claim 27 defines a method of making an on-line purchase, the method comprising accessing a computer to select an item for purchase, proceeding to a payment screen that requests payment data, the screen displaying information to open a credit account, accessing the information to open the credit account, completing an on-line credit account application, verifying the application, opening the credit account, issuing an identification number associated with the credit account, entering the identification number for payment.

Flitcroft does not teach or suggest, among other things, a method of making an on-line purchase including the acts of proceeding to a payment screen that requests payment data, the screen displaying information to open a credit account, accessing the information to open the credit account, and completing an on-line credit account application. Rather, Flitcroft discloses a credit card system that allocates and distributes disposable credit card numbers to reduce credit card fraud. The system 100 in Flitcroft includes a central processing unit 120, which interfaces with remote devices 104. The central processing unit 120 approves or denies credit card transactions. Paragraphs 70-71. Flitcroft does not disclose a payment screen that displays information related to opening a credit account. As discussed above, the system in Flitcroft does not take credit account applications, review the application, and open an account if the applicant data is verified. Rather, anyone that already has an existing credit card can sign up for the service offered in Flitcroft to receive disposable credit card numbers. In addition, Flitcroft does not teach or suggest opening a credit account via the Internet and being able to immediately use a temporary credit card number to make on-line purchases. For these and other reasons, Flitcroft does not teach or suggest the subject matter of Claim 27.

Tammaro does not cure the deficiencies of Flitcroft. Tammaro does not teach or suggest, among other things, a method of making an on-line purchase including the acts of proceeding to a payment screen that requests payment data, the screen displaying information to open a credit account, accessing the information to open the credit account, and completing an on-line credit account application. Rather, Tammaro discloses a system for processing automotive credit applications and providing two-way communication of loan application information between a dealer and a financial institution over the Internet. The system in

Tammaro does not allow purchases via the Internet. The system is used by a person employed by the auto dealership because a valid user identification and password must be entered in order to use the system. A customer cannot use and/or access the system. For these and other reasons, Tammaro does not teach or suggest the subject matter defined by Claim 24.

To establish a *prima facie* case of obviousness, the prior art references, when combined, must teach or suggest all of the claim limitations. *In re Royka*, 490 F.2d at 985, 180 U.S.P.Q. 580 at 583; M.P.E.P. §§ 706.02(j), 2143.03. Assuming *arguendo* that the teaching of Flitcroft and Tammaro could or should be combined, Applicants respectfully point out that, even with the modification suggested by the Examiner in the present Office action, the claimed method is not taught or suggested by the references.

Further, there is no teaching or suggestion in Flitcroft or Tammaro that the teachings of these references should be combined. In fact, these references actually teach away from the combination suggested by the Examiner.

Rather than re-present the arguments set forth above with respect to this contention, for brevity's sake, Applicants refer to the discussion above for Claim 1. With respect to these claims, the same arguments apply to the lack of a suggestion in the references that the teachings of the references should or could be combined and to the contention that the references actually teach away from the combination suggested by the Examiner.

For these and other reasons, Flitcroft and Tammaro do not teach or suggest every element as set forth in Claim 27. Therefore, Applicants respectfully submit that the Examiner has failed to present a *prima facie* case of obviousness of Claim 27 based upon the prior art as required by 35 U.S.C. § 103.

For these and other reasons, Flitcroft and Tammaro do not teach or suggest the subject matter defined by independent Claim 27. Accordingly, independent Claim 27 is allowable.

CONCLUSION

In view of the foregoing, reversal of the final rejection of Claims 1-27 and allowance of Claims 1-27 are respectfully requested.

Respectfully submitted,



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APPENDIX

1. A method for allowing a customer at an Internet client device to make Internet based purchases using a temporary credit card number, the method comprising the steps of:
 - receiving a message indicative of a request to apply for a credit account at an Internet server from the Internet client device via the Internet;
 - transmitting data indicative of an electronic credit account application from the Internet server to the Internet client device via the Internet;
 - receiving the credit account application at the Internet server from the client device via the Internet, the credit account application including applicant data;
 - storing the applicant data in a computer readable memory;
 - verifying the applicant data against a verification database;
 - if the applicant data is verified, opening the credit account and issuing a temporary credit card number associated with the credit account the temporary credit card number being unique among a plurality of currently active temporary credit card numbers stored in a temporary account database;
 - allowing a plurality of Internet based purchases based on the temporary card number until the temporary credit card number is deactivated; and
 - deactivating the temporary credit card number.
2. A method as defined in claim 1, wherein the step of deactivating the temporary credit card number comprises the step of expiring the temporary credit card number in response to a predetermined time period elapsing.
3. A method as defined in claim 2, wherein the step of deactivating the temporary credit card number in response to a predetermined time period elapsing comprises the step of expiring the temporary credit card number in response to a predetermined time period of customer inactivity at a website elapsing.
4. A method as defined in claim 1, wherein the step of deactivating the temporary credit card number comprises the step of deactivating the temporary credit card number in response to receiving a request for a predetermined web page from the Internet client device.

5. A method as defined in claim 4, wherein the step of deactivating the temporary credit card number in response to receiving a request for a predetermined web page from the Internet client device comprises the step of deactivating the temporary credit card number in response to receiving a request for a home page from the Internet client device.
6. A method as defined in claim 1, wherein the step of deactivating the temporary credit card number comprises the step of deactivating the temporary credit card number in response to receiving a message indicative of a browser shut down from the Internet client device via the Internet.
7. A method as defined in claim 1, wherein the step of deactivating the temporary credit card number comprises the step of deactivating the temporary credit card number in response to the Internet client device failing to respond to a communication request.
8. A method as defined in claim 1, wherein the step of deactivating the temporary credit card number comprises the step of deactivating the temporary credit card number in response to a predetermined dollar amount of purchases being made using the temporary credit card number.
9. A method as defined in claim 1, wherein the step of deactivating the temporary credit card number comprises the step of deactivating the temporary credit card number in response to a predetermined number of items being purchased using the temporary credit card number.
10. A method as defined in claim 1, wherein the step of deactivating the temporary credit card number comprises the step of deactivating the temporary credit card number in response to a predetermined number of purchase transactions being made using the temporary credit card number.
11. A method as defined in claim 1, further comprising the step of issuing a traditional credit card in the name of the customer based on the applicant data, the traditional credit card being associated with a traditional credit card number, the traditional credit card number being different than the temporary credit card number.

12. A method as defined in claim 11, further comprising the step of transferring a balance associated with the temporary credit card number to an account associated with the traditional credit card number.

13. An apparatus for allowing a customer at an Internet client device to make Internet based purchases using a temporary credit card number, the apparatus comprising:
- a network receiver operatively coupled to the Internet;
 - a network transmitter operatively coupled to the Internet;
 - a microprocessor in communication with the network receiver and the network transmitter; and
 - a memory device in communication with the microprocessor, the memory device storing a software program capable of being executed by the microprocessor, the software program being structured to cause the microprocessor to:
 - receive a message indicative of a request to apply for a credit account from the network receiver;
 - transmit data indicative of an electronic credit account application to the network transmitter;
 - receive the application from the network receiver, the application including applicant data;
 - verify the applicant data against a verification database;
 - if the applicant data is verified, open the credit account and issue a temporary credit card number that is unique among a plurality of currently active temporary credit card numbers;
 - allow a plurality of Internet based purchases based on the temporary credit card number until the temporary credit card number is deactivated; and
 - deactivating the temporary credit card number.
14. An apparatus as defined in claim 13, wherein the software program is structured to cause the microprocessor to deactivate the temporary credit card number in response to a predetermined time period elapsing.
15. An apparatus as defined in claim 13, wherein the software program is structured to cause the microprocessor to deactivate the temporary credit card number in response to a predetermined time period of customer inactivity at a website elapsing.
16. An apparatus as defined in claim 13, wherein the software program is structured to cause the microprocessor to deactivate the temporary credit card number in response to receiving a request for a predetermined web page from the Internet client device.

17. An apparatus as defined in claim 13, wherein the software program is structured to cause the microprocessor to deactivate the temporary credit card number in response to receiving a request for a home page from the Internet client device.

18. An apparatus as defined in claim 13, wherein the software program is structured to cause the microprocessor to deactivate the temporary credit card number in response to receiving a message indicative of a browser shut down from the Internet client device.

19. An apparatus as defined in claim 13, wherein the software program is structured to cause the microprocessor to deactivate the temporary credit card number in response to the Internet client device failing to respond to a communication request.

20. An apparatus as defined in claim 13, wherein the software program is structured to cause the microprocessor to deactivate the temporary credit card number in response to a predetermined dollar amount of purchases being made using the temporary credit card number.

21. An apparatus as defined in claim 13, wherein the software program is structured to cause the microprocessor to deactivate the temporary credit card number in response to a predetermined number of items being purchased using the temporary credit card number.

22. An apparatus as defined in claim 13, wherein the software program is structured to cause the microprocessor to issue a traditional credit card in the name of the customer based on the applicant data, the traditional credit card being associated with a traditional credit card number, the traditional credit card number being different than the temporary credit card number.

23. An apparatus as defined in claim 22, wherein the software program is structured to cause the microprocessor to transfer a balance associated with the temporary credit card number to an account associated with the traditional credit card number.

24. An apparatus for allowing a customer at an Internet client device to make Internet based purchases using a temporary credit card number, the apparatus comprising:
- a network receiver operatively coupled to the Internet, the network receiver being structured to receive applicant data and purchase requests;
 - a verification module operatively coupled to the network receiver;
 - a verification database in communication with the verification module, the verification module being structured to query the verification database to determine if the applicant data received by the receiver is valid;
 - a temporary account module in communication with the verification module;
 - a temporary account database in communication with the temporary account module, the temporary account module being structured to query the temporary account database to issue a temporary credit card number if the applicant data is verified, the temporary credit card number being unique among a plurality of currently active temporary credit card numbers; and
 - a purchase approval module in communication with the network receiver and the temporary account module, the purchase approval module being structured to approve the purchase requests received by the receiver if the purchase requests are associated with the temporary credit card number and the temporary credit card number is active.
25. An apparatus as defined in claim 24, further comprising a network transmitter operatively coupled to the temporary account module and the Internet, the network transmitter being structured to transmit the temporary credit card number.
26. An apparatus as defined in claim 24, further comprising a deactivation module operatively coupled to the temporary account database, the deactivation module being structured to deactivate the temporary credit card number in response to occurrence of a predefined condition.

27. A method of making an on-line purchase, the method comprising:
- accessing a computer to select an item for purchase;
 - proceeding to a payment screen that requests payment data, the screen displaying information to open a credit account;
 - accessing the information to open the credit account;
 - completing an on-line credit account application;
 - verifying the application;
 - opening the credit account;
 - issuing an identification number associated with the credit account;
 - entering the identification number for payment.